

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FRANKLIN LUCIEN TATPA,

Plaintiff,

v.

UR JADDOU et al.,

Defendants.

CASE NO. 2:23-cv-01751-LK

ORDER TO SHOW CAUSE

This matter comes before the Court sua sponte. Plaintiff Franklin Tatpa's petition for writ of mandamus and complaint for injunctive relief was docketed on December 6, 2023 and summonses were issued on December 6 and 7, 2023. Dkt. Nos. 6, 9. In the intervening months, no proof of service has been filed, no Defendant has appeared, and no party has filed anything.

Federal Rule of Civil Procedure 4(m) provides that "[i]f a defendant is not served within 90 days after the complaint is filed, the court . . . must dismiss the action without prejudice against that defendant or order that service be made within a specified time." In addition, plaintiffs have a general duty to prosecute their claims, *see Fid. Phila. Tr. Co. v. Pioche Mines Consol., Inc.*, 587 F.2d 27, 29 (9th Cir. 1978), and they fail to fulfill this duty when they do not litigate their case,

1 *see, e.g., Spesock v. U.S. Bank, NA*, No. C18-0092-JLR, 2018 WL 5825439, at *3 (W.D. Wash.
2 Nov. 7, 2018). “[T]o prevent undue delays in the disposition of pending cases and to avoid
3 congestion in the calendars of the District Courts,” federal courts may exercise their inherent power
4 to dismiss a case sua sponte for failure to prosecute. *Link v. Wabash R. Co.*, 370 U.S. 626, 629–31
5 (1962); *see also, e.g., Ville v. Meridian at Stone Creek Assisted Living*, No. C17-913-MJP, 2017
6 WL 4700340, at *1 (W.D. Wash. Oct. 19, 2017). More than 90 days have passed since the
7 complaint was filed, and there is no indication that Mr. Tatpa has served any of the Defendants or
8 taken any steps to pursue this case.

9 The Court thus ORDERS Mr. Tatpa to show cause why this case should not be dismissed
10 for failure to prosecute and failure to serve within 30 days of this Order. Failure to respond will
11 result in dismissal of the case without prejudice.

12 Dated this 9th day of May, 2024.

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14 Lauren King
15 United States District Judge
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